

REMARKS/ARGUMENTS

The Office Action mailed June 4, 2007 rejected claims 19-27 under 35 U.S.C. § 101. The Office Action also rejected claims 1-6 and 8-27 under 35 U.S.C. § 102(b). The Office Action also rejected claim 7 under 35 U.S.C. § 103(a). Applicant respectfully responds to the Office Action.

A. Information Disclosure Statement

Applicant respectfully submits that the Information Disclosure Statement (IDS) filed on January 8, 2004 does comply with 37 CFR 1.98(a)(2). Applicant has submitted a legible copy of each cited foreign patent document, each non-patent literature publication or that portion which caused it to be listed, and all other information or that portion which caused it to be listed. Applicant respectfully requests that the Examiner either consider the IDS, or provide additional explanation about why the IDS allegedly does not comply with 37 CFR 1.98(a)(2).

B. Specification

The Office Action suggested the inclusion of a Brief Summary of the Invention section. Office Action, pages 2-3. The relevant section of the MPEP states that the “following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are **suggested** for the applicant's use.” MPEP 608.01(a)¶ 6.01 (emphasis added). Applicant respectfully submits that the inclusion of a Brief Summary of the Invention section is merely a suggestion and requests that the objection to the specification be withdrawn.

C. Claims 19-27 Rejected Under 35 U.S.C. § 101

The Office Action rejected claims 19-27 under 35 U.S.C. § 101. This rejection is respectfully traversed. Claim 19 has been amended so that it now recites “[a] set of executable instructions on a computer readable medium.” In view of this amendment, Applicant respectfully submits that claims 19-27 are directed toward statutory subject matter, and requests that the rejection of these claims be withdrawn.

D. Claims 1-6 and 8-27 Rejected Under 35 U.S.C. § 102(b)

The Office Action rejected claims 1-6 and 8-27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 7,046,478 to O'Rourke et al. (hereinafter, "O'Rourke"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

O'Rourke relates generally to "systems and methods for delivering client requested content to the client along with additional content." O'Rourke, col. 1, lines 9-10. O'Rourke describes "a playlist structure and technique" that "allows a server to add advertisements, previews of coming attractions, or other content to a playlist sequence...." Id., col. 6, lines 4-8.

Figure 3 of O'Rourke shows a "base playlist 206 that references one or more items of streaming media content." O'Rourke, col. 4, lines 56-58. "[T]he playlist references streaming media content items by identifying the content items with respective URLs 208. The playlist also includes a placeholder 210, or flag to identify a particular point in a sequence where a reference to client requested content is placed." Id., col. 4, lines 59-64.

"A client plays a temporary copy 212 of the wrapper playlist file 206." O'Rourke, col. 5, lines 6-7. This temporary copy 212 of the playlist is shown in Figure 4 of O'Rourke. When a client requests an item of content, "the server 102 ... insert[s] a URL 214 into the playlist 212 at the location identified by a placeholder 210." Id., col. 5, lines 22-23. The "URL 214 represents [the] item of content requested by [the] client." Id., col. 5, lines 14-15. Figure 5 of O'Rourke shows the

“playlist 212 after it has been modified.” Id., col. 5, line 21. The modified playlist 212 includes “other content items” in addition to “a client-requested content item.” Id., col. 5, lines 24-25.

Claim 1 is directed to a method that is performed in relation to a “media content directory.” Claim 1 recites that the “media content directory” comprises a “media content identifier [that] identifies media content.” Claim 1 also recites that “a plurality of stream access identifiers are associated with the media content identifier.” Claim 1 has been amended to recite that “the stream access identifiers identify different streams of media data corresponding to the same media content.” Claim 1 has also been amended to recite that “at least one of the plurality of stream access identifiers identifies an original stream of media data and at least one of the plurality of stream access identifiers identifies a non-original stream of media data.” The amendments to claim 1 are supported by at least paragraphs [39] and [40] of Applicant’s specification.

O’Rourke does not disclose “a plurality of stream access identifiers” that “identify different streams of media data corresponding to the same media content” as recited in claim 1. The Office Action appears to be asserting that the playlist 212 in O’Rourke (shown in Figure 4) corresponds to the “media content directory” recited in claim 1, that each URL 208 in the playlist 212 is a “media content identifier” as recited in claim 1, and that each placeholder 210¹ in the playlist 212 is a “stream access identifier” as recited in claim 1. Office Action, pages 4-5. However, Applicant respectfully submits that the placeholders 210 described in O’Rourke are not “stream access identifiers” as recited in claim 1.

Claim 1 recites that “the stream access identifiers identify ... streams of media data corresponding to ... media content.” The placeholders 210 described in O’Rourke do not satisfy this limitation. Instead, the placeholders 210 described in O’Rourke “identify a particular point in a sequence where a reference to client requested content is placed.” O’Rourke, col. 4, lines 16-20, 61-64. This can be seen by reference to Table 1 of O’Rourke (see col. 5, lines 33-43), which shows an example of a playlist that includes a placeholder 210. In this example, the placeholder 210 is:

¹ O’Rourke refers to the placeholders by several different reference numbers, including reference numbers 204, 210, and 214. For clarity, in the present discussion the placeholders will only be referred to by reference number 210.

“<MEDIA src=\"%url%\"/>”. Clearly, “<MEDIA src=\"%url%\"/>” does not “identify [a] stream[] of media data corresponding to ... media content” as recited in claim 1. Accordingly, the placeholders 210 described in O’Rourke are not “stream access identifiers” as recited in claim 1.

Perhaps the Office Action is asserting that the various URLs 208 in the playlist 212 are “stream access identifiers.” However, these URLs 208 do not “identify different streams of media data corresponding to the same media content” as recited in claim 1. As indicated above, the purpose of the “playlist structure” in O’Rourke is “to add advertisements, previews of coming attractions, or other content to a playlist sequence.” *Id.*, col. 6, lines 4-8. This clearly indicates that the URLs 208 in the playlist 212 correspond to different media content, not “different streams of media data corresponding to the same media content” as recited in claim 1.

Moreover, O’Rourke does not disclose that “at least one of the stream access identifiers identifies an original stream of media data and at least one of the stream access identifiers identifies a non-original stream of media data.” In contrast to claim 1, O’Rourke is not at all related to the difference between “original stream[s]” and “non-original stream[s]” of media data. O’Rourke does not indicate whether the URLs 208 correspond to “original stream[s]” or “non-original stream[s]” of media data, because O’Rourke is not at all related to this issue.

O’Rourke also does not disclose “determining which of the ... stream access identifiers include access information for accessing the original stream of media data” as recited in claim 1. As mentioned, O’Rourke is not at all related to the difference between “original stream[s]” and “non-original stream[s]” of media data. O’Rourke does not indicate that any of the URLs 208 correspond to “non-original stream[s]” of media data. Thus, there would be no reason for the methods described in O’Rourke to include “determining which of the ... stream access identifiers include access information for accessing the original stream of media data” as recited in claim 1.

In view of the foregoing, Applicant respectfully submits that claim 1 is allowable. Accordingly, Applicant respectfully requests that the rejection of claim 1 and its dependent claims be withdrawn.

Claims 10 and 19 include limitations that are similar to those argued above in relation to claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 10 and 19 and their dependent claims be withdrawn for at least the same reasons as those presented above in relation to claim 1.

E. Claim 7 Rejected Under 35 U.S.C. § 103(a)

The Office Action rejected claim 7 under 35 U.S.C. § 103(a) based on O'Rourke in view of U.S. Patent Application Publication No. 2002/0027569 to Manni et al. (hereinafter, "Manni"). This rejection is respectfully traversed.

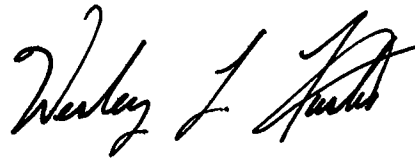
Claim 7 depends from claim 1. As discussed above, Applicant respectfully submits that claim 1 is allowable. Accordingly, Applicant respectfully requests that the rejection of claim 7 be withdrawn.

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Amdt. dated August 14, 2007
Reply to Office Action of June 4, 2007

F. Conclusion

Applicant respectfully asserts that all pending claims are patentably distinct from the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being the most prominent.

/Wesley L. Austin/

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